

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 138 be amended to read as follows:

- 1 Page 7, before line 1, begin a new paragraph and insert:
 2 "SECTION 6. IC 25-27.5-1-1 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This article does not
 4 apply to the following:
 5 (1) A physician assistant trainee or a student enrolled in a
 6 physician assistant or a surgeon assistant educational program
 7 accredited by ~~the~~ CAHEA, **CAAHEP, or a successor agency.**
 8 (2) A physician assistant employed in the service of the federal
 9 government while performing duties incident to that employment.
 10 (3) A health care professional, technician, ~~and~~ **or** other assistant
 11 or employee of a physician who performs delegated tasks in the
 12 office of a physician but who does not render services as a
 13 physician assistant or profess to be a physician assistant.
 14 SECTION 7. IC 25-27.5-2-1.5 IS ADDED TO THE INDIANA
 15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 1999]: **Sec. 1.5 "Administer a drug" means**
 17 **the direct application of a drug, whether by injection, inhalation,**
 18 **ingestion, or any other means to the body of a patient.**
 19 SECTION 8. IC 25-27.5-2-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. "Approved program"
 21 means a physician assistant or a surgeon assistant program accredited
 22 by CAHEA, **CAAHEP, or a successor agency.**
 23 SECTION 9. IC 25-27.5-2-4.5 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 1999]: **Sec. 4.5. "CAAHEP" refers to the Commission on Accreditation of Allied Health Education Programs.**

SECTION 10. IC 25-27.5-2-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7.3. "Dispense" means issuing one (1) or more doses of a drug in a suitable container with appropriate labeling for subsequent administration to, or use by, a patient or issuing medical devices.**

SECTION 11. IC 25-27.5-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. "Physician assistant" means an individual who has:

- (1) graduated from a physician assistant or a surgeon assistant program accredited by ~~the~~ CAHEA, **CAAHEP, or a successor agency; and**
- (2) passed the certifying examination **administered by the NCCPA** and maintains certification by the NCCPA; **and**
- (3) been licensed by the committee.**

SECTION 12. IC 25-27.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The committee consists of five (5) members appointed by the governor for terms of three (3) years.

(b) The committee must include the following:

- (1) Three (3) physician assistants who:
 - (A) are residents of Indiana;
 - (B) have at least three (3) years experience as physician assistants; and
 - (C) are ~~certified~~ **licensed** under this article.
- (2) A physician licensed under IC 25-22.5 who:
 - (A) is familiar with the practice of physician assistants; **and**
 - (B) is a resident of Indiana.**
- (3) An individual who:
 - (A) is a resident of Indiana; and
 - (B) is not associated with physician assistants in any way other than as a consumer.

SECTION 13. IC 25-27.5-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The committee shall do the following:

- (1) Consider the qualifications of individuals who apply for ~~certificates~~ **licensure** under this article.
- (2) Provide for examinations required under this article.
- (3) ~~Certify~~ **License** qualified individuals.
- (4) Propose rules to the board concerning the competent practice of physician assistants and the administration of this article.
- (5) Recommend to the board the amounts of fees required under this article.

SECTION 14. IC 25-27.5-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for the following:

- (1) The competent practice of physician assistants.
- (2) The renewal of ~~certificates~~ **licenses** issued under this article.
- (3) Standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

SECTION 15. IC 25-27.5-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 9. In the event of a vacancy on the committee, the governor shall appoint a successor to complete the unexpired term.**

SECTION 16. IC 25-27.5-3-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 10. A member of the committee may not serve more than two (2) consecutive three (3) year terms and each member shall serve on the committee until a successor is appointed.**

SECTION 17. IC 25-27.5-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 11. The committee shall elect a chairperson and a secretary from among its members at the committee's first meeting of each fiscal year. The committee shall meet on a regular basis. A committee meeting may be called upon reasonable notice at the discretion of the chairperson and shall be called at any time upon reasonable notice by a petition of three (3) committee members to the chairperson.**

SECTION 18. IC 25-27.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. An individual must be ~~certified~~ **licensed** by the committee before the individual may practice as a physician assistant. The committee may grant a ~~certificate~~ **license** as a physician assistant to an applicant who does the following:

- (1) Submits an application on forms approved by the committee.
- (2) Pays the fee established by the board.
- (3) Has:
 - (A) successfully completed an educational program for physician assistants or surgeon assistants accredited by the CAHEA, CAAHEP, or a successor agency; and
 - (B) ~~has~~ passed the Physician Assistant National Certifying Examination administered by the NCCPA ~~or other examination approved by the committee and maintains current NCCPA certification.~~

- (4) Submits to the committee any other information the committee ~~requires~~ **considers necessary** to evaluate the applicant's

1 qualifications.

2 (5) Presents satisfactory evidence to the committee that the
3 individual has not been:

4 (A) engaged in an act that would constitute grounds for a
5 disciplinary sanction under IC 25-1-9; **and or**

6 (B) the subject of a disciplinary action by a licensing or
7 certification agency of another state or jurisdiction on the
8 grounds that the individual was not able to practice as a
9 physician assistant without endangering the public.

10 SECTION 19. IC 25-27.5-4-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The committee may
12 refuse to issue a ~~certificate~~ **license** or may issue a probationary
13 ~~certificate~~ **license** to an individual if:

14 (1) the individual has been disciplined by an administrative
15 agency in another jurisdiction or been convicted for a crime that
16 has a direct bearing on the individual's ability to practice
17 competently; and

18 (2) the committee determines that the act for which the individual
19 was disciplined or convicted has a direct bearing on the
20 individual's ability to practice as a physician assistant.

21 SECTION 20. IC 25-27.5-4-3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) If the committee
23 issues a probationary ~~certificate~~ **license** under section 2 of this chapter,
24 the committee may require the individual who holds the ~~certificate~~
25 **license** to meet at least one (1) of the following conditions:

26 (1) Report regularly to the committee upon a matter that is the
27 basis for the probation.

28 (2) Limit practice to areas prescribed by the committee.

29 (3) Continue or renew professional education.

30 (4) Engage in community service without compensation for a
31 number of hours specified by the committee.

32 **(5) Submit to the care, counseling, or treatment of a physician
33 or physicians designated by the committee.**

34 (b) The committee shall remove a limitation placed on a
35 probationary ~~certificate~~ **license** if, after a hearing, the committee finds
36 that the deficiency that caused the limitation has been remedied.

37 SECTION 21. IC 25-27.5-4-4 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The committee
39 may grant temporary ~~certification~~ **licensure** to an applicant who:

40 (1) meets the qualifications for ~~certification~~ **licensure** under
41 section 1 of this chapter except:

42 (A) for the taking of the **next scheduled** NCCPA examination;
43 or

44 (B) if the applicant has taken the NCCPA examination and is
45 awaiting the results; or

46 (2) meets the qualifications for ~~certification~~ **licensure** under

section 1 of this chapter but is awaiting the next scheduled meeting of the committee.

(b) A temporary ~~certification~~ **license** is valid until: ~~the earliest of the following:~~

- (1) the results of an applicant's examination are available; **and**
- (2) the committee makes a final decision on the applicant's request for ~~certification~~ **licensure**.

(c) **The temporary license is immediately revoked upon notice to the health professions bureau that the temporary license holder has failed the exam. The committee may extend a temporary license at its terms and discretion by a majority vote of the committee.**

~~(c)~~ (d) A physician assistant practicing under a temporary ~~certificate~~ **license** must practice with onsite physician supervision. ~~and, notwithstanding IC 25-27.5-5-4, may not dispense drugs or medical devices.~~

~~(d)~~ (e) A physician assistant who notifies the board in writing may elect to:

- (1) place the physician assistant's ~~certification~~ **licensure** on an inactive status **if previously employed by a supervising physician; or**
- (2) **apply for an inactive license if not currently employed at the time of initial application.**

(f) **A physician assistant with an inactive license shall be excused from payment of renewal fees and may not practice as a physician assistant.**

(g) **A licensee who engages in practice while the licensee's license is lapsed or on inactive status shall be considered to be practicing without a license, which is grounds for discipline under IC 25-1-9.**

SECTION 22. IC 25-27.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A ~~certificate~~ **license** issued by the committee expires on a date established by the health professions bureau under IC 25-1-5-4 in the next even-numbered year following the year in which the ~~certificate~~ **license** was issued.

(b) An individual may renew a ~~certificate~~ **license** by paying a renewal fee on or before the expiration date of the ~~certificate~~ **license**.

(c) If an individual fails to pay a renewal **fee** on or before the expiration date of a ~~certificate~~ **license**, the ~~certificate~~ **license** becomes invalid.

SECTION 23. IC 25-27.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The committee may reinstate an invalid ~~certificate~~ **license** up to three (3) years after the expiration date of the ~~certificate~~ **license** if the individual holding the invalid ~~certificate~~ **license**:

- (1) pays a penalty fee for late renewal; and
- (2) pays the renewal fee under section 5(b) of this chapter.

(b) If more than three (3) years have elapsed since the date a ~~certificate license~~ expired, the individual holding the ~~certificate license~~ may renew the ~~certificate license~~ by satisfying the requirements for renewal established by the board.

SECTION 24. IC 25-27.5-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An individual who is ~~certified licensed~~ under this chapter shall notify the committee in writing when the individual retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees.

SECTION 25. IC 25-27.5-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) If an individual surrenders a ~~certificate license~~ to the committee, the committee may reinstate the ~~certificate license~~ upon written request by the individual.

(b) If the committee reinstates a ~~certificate license~~, the committee may impose conditions on the ~~certificate license~~ appropriate to the reinstatement.

(c) An individual may not surrender a ~~certificate license~~ without written approval by the committee if a disciplinary proceeding under this article is pending against the individual.

SECTION 26. IC 25-27.5-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 9. The committee may reinstate a physician assistant's inactive license if the physician assistant requesting reinstatement pays the current renewal fee.**

SECTION 27. IC 25-27.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) This chapter does not apply to the practice of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

(b) This chapter does not allow the independent practice by a physician assistant of any of the activities of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

SECTION 28. IC 25-27.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform the duties and responsibilities, **including the prescribing and dispensing of drugs and medical devices**, that are delegated by the supervising physician.

SECTION 29. IC 25-27.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) ~~The board may adopt rules under IC 4-22-2 to determine the appropriate use of prescription drugs by a physician assistant. A physician assistant may prescribe, dispense, and administer drugs and medical devices or services to the extent delegated by the supervising physician.~~

(b) Notwithstanding subsection (a), a physician assistant may not prescribe, dispense, or administer ophthalmic devices, including glasses, contacts, and low vision devices.

(c) As permitted by the board, a physician assistant may use or dispense only drugs prescribed or approved by the supervising physician. **Prescription and administration of drugs may include:**

(1) all legend drugs that have been approved by the supervising physician; and

(2) not more than a seven (7) day supply of scheduled substances as listed under IC 35-48-2 that have been approved by the supervising physician.

~~(c)~~ (d) Notwithstanding subsection (b), a physician assistant may not dispense a scheduled substance listed under IC 35-48-2. **Physician assistants may request, receive, and sign for professional samples and may distribute professional samples to patients if the samples are within the scope of the physician assistant's prescribing privileges delegated by the supervising physician.**

SECTION 30. IC 25-27.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A physician assistant ~~certified~~ **licensed** under IC 25-27.5 shall:

(1) keep the physician assistant's ~~certificate~~ **license** available for inspection at the primary place of business; and

(2) when engaged in the physician assistant's professional activities, wear a name tag identifying the individual as a physician assistant.

SECTION 31. IC 25-27.5-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **A supervising physician may delegate authority to a physician assistant to prescribe:**

(1) legend drugs;

(2) not more than a seven (7) day supply of controlled substances (as defined in IC 35-48-1-9) at one (1) time; and

(3) medical devices except ophthalmic devices, including glasses, contacts, and low vision devices.

(b) **Any prescribing authority delegated to a physician assistant must be expressly delegated in writing by the physician assistant's supervising physician.**

(c) **A physician assistant who is delegated the authority to prescribe legend drugs or medical devices must do the following:**

(1) Enter on each prescription form that the physician assistant uses to prescribe a legend drug or medical device:

(A) the signature of the physician assistant;

(B) the initials indicating the credentials awarded to the physician assistant by the NCCPA; and

(C) the physician assistant's state license number.

(2) Comply with all applicable state and federal laws

concerning prescriptions for legend drugs and medical devices.

(d) A supervising physician may delegate to a physician assistant the authority to prescribe only legend drugs and medical devices that are within the scope of practice of the licensed supervising physician or the physician designee.

(e) A physician assistant who is delegated the authority to prescribe controlled substances under subsection (a) must do the following:

(1) Obtain an Indiana controlled substance registration and a federal Drug Enforcement Administration registration.

(2) Enter on each prescription form that the physician assistant uses to prescribe a controlled substance:

(A) the signature of the physician assistant;

(B) the initials indicating the credentials awarded to the physician assistant by the NCCPA;

(C) the physician assistant's state license number; and

(D) the physician assistant's federal DEA number.

(3) Comply with all applicable state and federal laws concerning prescriptions for controlled substances.

(f) A supervising physician may delegate to a physician assistant the authority to prescribe only controlled substances that are within the scope of practice of the licensed supervising physician or the physician designee.

SECTION 32. IC 25-27.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Supervision by the supervising physician or the physician designee must be continuous but does not require the physical presence of the supervising physician at the time and the place that the services are rendered.

(b) A supervising physician or physician designee shall review all patient encounters not later than ~~twenty-four (24) hours~~ **two (2) working days** after the physician assistant has seen the patient.

SECTION 33. IC 25-27.5-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. A physician may **employ more than two (2) physician assistants but may not** supervise ~~not~~ more than two (2) physician assistants **at any given time.**

SECTION 34. IC 25-27.5-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Before initiating practice, the supervising physician and the physician assistant must submit, on forms approved by the board, the following information:

(1) The name, the business address, and the telephone number of the supervising physician.

(2) The name, the business address, and the telephone number of the physician assistant.

(3) A brief description of **the extent to which and** the setting in which the physician assistant will practice.

(4) Any other information required by the board.

(b) A physician assistant must notify the board of any changes or additions in practice sites or supervising physicians not more than thirty (30) days after the change or addition.

(c) The board shall notify the committee of all information received from each supervising physician and physician assistant under this section. The board shall also notify the committee of any changes or additions made under this section.

SECTION 35. IC 25-27.5-6.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 6.3. Certification of Health Status

Sec. 1. A physician assistant may be delegated the ability to:

(1) evaluate and sign forms that certify the health status of patients by the supervising physician, including school physicals, employment physicals, and handicap parking permits; and

(2) authenticate with a signature any form that may be authenticated by the supervising physician's signature.

SECTION 36. IC 25-27.5-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 6.5. Participation in Disaster and Emergency Care

Sec. 1. This chapter does not apply to medical assistance provided at a hospital, physician's office, or other health care facility where medical services are normally provided.

Sec. 2. (a) A physician assistant licensed in this state or licensed or authorized to practice in another state who is responding to a need for medical care created by an emergency or a state or local disaster may render care that the physician assistant is able to provide without supervision, as defined in IC 25-27.5-6, or with supervision as is available. For purposes of this chapter, an emergency or state or local disaster does not include an emergency situation that occurs in the place of one's employment.

(b) A physician assistant who:

(1) is licensed in this state or licensed or authorized to practice in another state;

(2) voluntarily and gratuitously provides medical care during an emergency in this state; and

(3) provides that care without a supervising physician being present;

is not liable for civil damages for any personal injuries that result from acts or omissions by the physician assistant providing the emergency medical care unless such acts or omissions constitute gross, willful, or wanton negligence.

Sec. 3. A physician who voluntarily and gratuitously supervises

1 a physician assistant who is voluntarily and gratuitously providing
2 emergency medical care is not:

- 3 (1) required to meet the requirements for an approved
4 supervising physician under IC 25-27.5-6; or
5 (2) liable for civil damages for any personal injuries that
6 result from acts or omissions by the physician assistant
7 providing emergency medical care.

8 SECTION 37. IC 25-27.5-7-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An individual
10 may not:

- 11 (1) profess to be a physician assistant;
12 (2) use the title "physician assistant", including the use of the title
13 by a physician who is not licensed under IC 25-22.5; ~~or~~
14 (3) use the initials "P.A." or any other words, letters,
15 abbreviations, or insignia indicating or implying that the
16 individual is a physician assistant ~~certified licensed~~ under this
17 article; ~~or~~
18 (4) **practice as a physician assistant;**

19 unless the individual is ~~certified licensed~~ under this article.

20 (b) ~~However~~ Use of the initials "PA" by a public accountant who is
21 authorized to use the initials "PA" by IC 25-2.1-12-6 is not a violation
22 of this section.

23 SECTION 38. IC 25-27.5-7-4 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 1999]: Sec. 4. **The committee shall establish
26 and administer a program for the rehabilitation of physician
27 assistants whose competency is impaired due to the abuse of drugs
28 or alcohol. The committee may contract with any state agency or
29 private corporation to perform duties under this section. The
30 program shall be similar to that available to other health
31 professionals in Indiana.**

32 SECTION 39. IC 34-30-2-101.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 1999]: **Sec. 101.5. IC 25-27.5-6.5 (concerning
35 actions of a physician assistant and a supervising physician in an
36 emergency situation).**".

37 Renumber all SECTIONS consecutively.

(Reference is to ESB 138 as printed March 26, 1999.)

Representative Linder